

4. (Amended) — A food additive according to claim 1 wherein a first of the two or more types of fruit or vegetables is selected from the group consisting of citrus, tomato, carrot, mango, papaya, banana, pineapple, kiwi fruit, spinach and a second of the two or more types of fruit or vegetables is selected from the group consisting of melon, grape, apple and cranberry.

5. A food additive according to claim 4 wherein the melon is selected from the group consisting of watermelon, rock melon, honeydew melon or champagne melon.

6. A food additive according to claim 4 wherein the first of the two or more fruit and vegetables is a citrus fruit or carrot and the second of the two or more fruit or vegetables is selected from the group consisting of grape, apple and cranberry.

7. A food additive according to claim 6 wherein the first of the two or more types of fruit or vegetables is selected from the group consisting of orange, carrot and grapefruit and the second of the two or more types of fruit or vegetables is selected from the group consisting of grape, apple and cranberry.

8. A food additive according to claim 1 or 4 wherein a first of the two or more fruits or vegetables has a calcium content of between 4000 and 15000 ppm and a second of the two or more fruit or vegetables has a calcium content of between 200 and 1500 ppm.

9. A food additive according to claim 1 or 4 wherein a first of the two or more fruits or vegetables has a soluble neutral non starch polysaccharide content of between 2 and 3 percent dry weight and a second of the two or more fruit or vegetables has a soluble neutral non starch polysaccharides content of between 1 and 2 percent dry weight.

10. A food additive according to claim 1 or 4 wherein a first of the two or more fruits or vegetables has a total uronic acids content of between 20 and 40 percent dry weight and a second of the two or more fruit or vegetables has a total uronic acids content of between 5 and 20 percent dry weight.

11. A food additive according to claim 1 or 4 wherein

the first of the two or more fruits or vegetables has :

a calcium content of between 4000 and 15000 ppm;

a soluble neutral non starch polysaccharides content of between 2 and 3 percent dry weight; and

a total uronic acids content of between 20 and 40 percent dry weight

and the second of the two or more fruit or vegetables has :

a calcium content of between 200 and 1500 ppm;

a soluble neutral non starch polysaccharides content of between 1 and 2 percent dry weight; and a total uronic acids content of between 5 and 20 percent dry weight.

12. A food additive according to claim 11 wherein the first of the two or more fruit and vegetables is an orange, and the second of the two or more fruit or vegetables is selected from the group consisting of apple, grape and cranberry.

13. A food additive according to claim 12 wherein the first of the two or more fruit and vegetables is an orange and the second of the two or more fruit or vegetables is an apple.

14. (Amended) ~~A food additive according to claim 11 wherein the first of the two or more fruit and vegetables is a carrot, and the second of the two or more fruit or vegetables is selected from the group consisting of apple, grape and cranberry.~~

15. (Amended) ~~A food additive according to claim 14 wherein the first of the two or more fruit and vegetables is a carrot, and the second of the two or more fruit or vegetables is a grape.~~

16. A food additive according to claim 11 wherein the first of the two or more fruit and vegetables is a grapefruit, and the second of the two or more fruit or vegetables is selected from the group consisting of apple, grape and cranberry.

17. (Amended) ~~A food additive according to claim 16 wherein the first of the two or more fruit and vegetables is a grapefruit, and the second of the two or more fruit or vegetables is a cranberry.~~

18. (Amended) ~~A food product having the food additive of any one of claims 1 to 17, 41 or 42.~~

19. (Amended) ~~A food product according to claim 18 wherein the food product contains between 1 and 50 % by weight of the food additive.~~

20. (Amended) ~~A food product according to claim 19 wherein the food product contains between 1 and 30% by weight of the food additive.~~

21. — A food product according to claim 20 wherein the food product is a breakfast cereal.

22. — A food product according to claim 20 wherein the food product is a granola bar.

23. (Amended) A food product according to claim 20 wherein the food product is a soup that contains between 2 and 15% of the food additive.

24. (Amended) A food product according to claim 20 wherein the food product is a beverage that contains between 2 and 5% of the food additive.

25. — A method of preparing a food supplement derived from fibre extracts from two or more types of fruit or vegetables, the method including the steps of removing a majority of the soluble solids from each of the two or more types of fruit or vegetables separately to give fibre extracts from the two or more fruits or vegetables, and combining the fibre extracts to provide the food supplement.

26. — A method of preparing a food supplement according to claim 25 wherein greater than 90% of soluble solids are removed.

27. — A method of preparing a food supplement according to claim 26 wherein from between 93 to 99% of soluble solids are removed.

28. — A method of preparing a food supplement according to one of claims 25 or 27 wherein each of the two or more fruits or vegetables is sliced so as to substantially minimise breakdown of the structure of macromolecules forming the fibres.

29. — A method of preparing a food supplement according to claim 26 wherein the method includes the step of inactivating enzymes within the fruit or vegetables.

30. — A method of preparing a food supplement according to claim 29 wherein the step of inactivating enzymes is by heat inactivation.

31. — A method of preparing a food supplement according to claim 30 wherein the majority of soluble solids are removed by liquid extraction.

32. — A method of preparing a food supplement according to claim 31 wherein the extraction liquid is selected from the group consisting of water, chloroform, hexane, chlorinated hydrocarbons, acetone or ethanol.

33. — A method of preparing a food supplement according to claim 32 wherein the extraction liquid is water.

34. An agent for increasing levels of one or more fatty acids to the colon of an animal or human, said agent derived from fibre extracts from two or more types of fruit or vegetables, the fibre extracts having had a majority of soluble solids removed therefrom.

35. An agent for increasing levels of one or more fatty acids to the colon of an animal or human according to claim 34 wherein the increase in levels of fatty acid in the colon is greater than the level afforded by any one of the fruits or vegetables alone.

36. An agent for increasing levels of one or more fatty acids to the colon of an animal or human according to claim 35 wherein the fatty acid is a short chain fatty acid.

37. An agent for increasing levels of one or more fatty acids to the colon of an animal or human according to claim 36 wherein a first of the two or more types of fruit or vegetables is selected from the group consisting of citrus, tomato, carrot, mango, papaya, banana, pineapple, kiwi fruit, spinach and a second of the two or more types of fruit or vegetables is selected from the group consisting of melon, grape, apple and cranberry.

38. An agent for increasing levels of one or more fatty acids to the colon of an animal or human according to claim 37 wherein the first of the two or more fruit and vegetables is a citrus fruit or carrot and the second of the two or more fruit or vegetables is selected from the group consisting of grape, apple and cranberry.

39. An agent for increasing levels of one or more fatty acids to the colon of an animal or human according to claim 38 wherein the first of the two or more types of fruit or vegetables is selected from the group consisting of orange, carrot and grapefruit and the second of the two or more types of fruit or vegetables is selected from the group consisting of grape, apple and cranberry.

40. A food additive according to claim 1 wherein greater than 90% of soluble solids are removed.

41. A food additive according to claim 2 wherein from between 93 to 99% of soluble solids are removed.

[Please add the following new claims 42-55.]

42. (new) A food additive including comprising a mixture of a first fiber extract from a first fruit or vegetable, and a second fiber extract from a second fruit or vegetable, the first fiber extract and the second fiber extract are prepared by

slicing the two or more fruits or vegetables into substantially uniform pieces.

extracting soluble solid by contacting the pieces with an extraction liquid under conditions to remove a majority of water soluble solids, and

substantially removing any remaining seed tissue from the fibre extracts,

the first fruit or vegetable being one or more selected from the group consisting of citrus tomato, carrot, mango, papaya, banana, pineapple, kiwi fruit, spinach, and

the second fruit or vegetable being one or more selected from the group consisting of melon, grape, apple and cranberry.

43. (new) The food additive of claim 42 wherein the enzymes within the fruit or vegetable are inactivated before extraction.

44. (new) The food additive of claim 44 wherein the inactivation is by heat

45. (new) The food additive of claim 42 wherein the sliced fruit is flash heated at about 60°C

46. (new) The food additive of claim 42 wherein the sliced fruit or vegetable is undigested prior to extraction, having not been physically comminuted or treated enzymically or chemically to alter insoluble solids within the fruit or vegetable

47. (new) The food additive of claim 46 wherein the sliced fruit has not been macerated or milled.

48. (new) The food additive of claim 46 wherein the sliced fruit has not been treated by alkali or acid.

49. (new) The food additive of claim 46 wherein the slicing disrupts only about 0.5% of the cell walls.

50. (new) The food additive of claim 42 wherein the pieces of fruit is sliced so that the soluble solids have a diffusion path to the extraction liquid of not longer than about 1.5 mm

51. (new) The food additive of claim 42 wherein the extraction liquid is water.

52. (new) The food additive of claim 51 wherein the extraction is by a countercurrent method, wherein the sliced fruit or vegetable material is carried in one direction whereas the extraction liquid is carried in the opposite direction.

53. (new) The food additive of claim 52 wherein greater than 90% of the water soluble solids are removed.

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54. (new) The food additive of claim 52 wherein between about 93% to about 99% of the soluble solids are removed.

55. (new) The food additive of claim 42 wherein the first fruit or vegetable being one or more selected from the group consisting of citrus and carrot, and the second fruit or vegetable being one or more selected from the group consisting of grape, apple and cranberry.

REMARKS

After entering the instant amendment, claims 1-3, 5-13, 16 and 40-55 are pending in the present application, claims 17-39 having been cancelled pursuant to the Examiner's restriction requirement. Claims 42-55 are new. The only claim which has been amended pursuant to this amendment is claim 1. All the remaining claims are either unamended (claims 2, 3, 5-13, 16 and 40-41) or are new (claims 42-55). The amended claims track the Examiner's suggestion as to allowable subject matter presented in paragraph 6 of the office action. Applicants believe that this amendment now obviates the Examiner's rejections of the instant application, which is in condition for allowance.

The Examiner has rejected claims 1-13, 16 and 40-41 variously under 35 U.S.C. §112 and 102. For the reasons which are set forth in detail hereinbelow, Applicants respectfully submit that the application as presented is now in condition for allowance.

The §112 Rejection

The Examiner has rejected claims 1-13, 16 and 40-41 under 35 U.S.C. §112 as being rendered vague and indefinite by the expression "soluble solids" and by the expression "derived from fibre extracts". In order to address the Examiner's rejection, Applicants have amended claim 1 to recite the term "water soluble solids". Claim 1 therefore has been amended to define the solvent as water. Note that the temperature at which the extraction occurs is generally ambient- however it does follow a heat shock of a temperature that might be varied somewhat depending on the fruit or vegetable used. In addition, Applicants have amended claim 1 to amend the term "derived from fibre extracts" to the more definite amended term "comprising